

AMENDED IN SENATE JULY 16, 2003

AMENDED IN SENATE JUNE 26, 2003

AMENDED IN ASSEMBLY JUNE 2, 2003

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1017

Introduced by Assembly Member Goldberg

February 20, 2003

An act to add Sections 59001.2, ~~59001.4, 59009, 59010, 59011, and 59012~~ and 59001.4 to, and to add Article 4 (commencing with Section 59050) to Chapter 1 of Part 32 of, to the Education Code, relating to teachers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1017, as amended, Goldberg. Teachers: hiring preferences: instructing deaf pupils.

Existing law establishes the California School for the Deaf as part of the public school system and provides that the object of the school is the education of the deaf who, for specified reasons, cannot be provided an appropriate educational program and related services in the regular public schools.

This bill, commencing with the 2004–05 school year, would set forth hiring criteria for purposes of hiring an individual as a certificated employee to instruct deaf pupils at the California School for the Deaf. The bill would establish a hiring preference for certificated individuals who achieve a minimum score of 4 on the American Sign Language

Proficiency Interview (ASLPI) or an equivalent score on an alternate test, as specified. The bill would prohibit an individual from being hired as a certificated employee to instruct deaf pupils, unless the individual achieves a specified minimum score on one of those assessments. The bill would also establish hiring preferences, based on scores received on those assessments, for substitute teachers who are hired by the California School for the Deaf.

The bill would require a certificated employee who instructs deaf pupils and who has not achieved a minimum score of 4 on the ASLPI or an equivalent score on the alternate test to retake the assessments every three years as specified. The bill would require the California School for the Deaf to reimburse a certificated employee for the assessment fee if the employee receives a minimum score of 4 on the ASLPI or an equivalent score on the alternate test. *The bill would prohibit the California School for the Deaf from using the ASLPI or an alternate test for the purposes specified by the bill, unless it is first determined that the test is a valid and reliable test for employment purposes.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 59001.2 is added to the Education Code,
- 2 to read:
- 3 59001.2. The Legislature finds and declares all of the
- 4 following:
- 5 (a) It is essential for the well-being and growth of deaf and
- 6 hard-of-hearing pupils that educational programs recognize the
- 7 unique nature of deafness and ensure that all deaf and
- 8 hard-of-hearing pupils have appropriate, ongoing, and fully
- 9 accessible educational opportunities.
- 10 (b) It is essential that a deaf or hard-of-hearing pupil obtain an
- 11 education in which special education teachers, psychologists,
- 12 speech therapists, assessors, administrators, and other school and
- 13 residential program personnel understand the unique nature of
- 14 deafness and are trained to work with a deaf or hard-of-hearing
- 15 pupil.



1 (c) It is essential that a deaf or hard-of-hearing pupil obtain an
2 education in which his or her special education teachers are
3 proficient in the primary language mode of that pupil.

4 (d) It is essential that a deaf or hard-of-hearing pupil obtain an
5 education in which his or her parents are involved in determining
6 the extent, content, and purpose of programs.

7 (e) It is essential that a deaf or hard-of-hearing pupil, like all
8 pupils, have programs in which his or her unique vocational needs
9 are provided for, including appropriate research, curricula,
10 programs, staff, and outreach.

11 (f) Each deaf or hard-of-hearing pupil should receive an
12 education that allows him or her to master a primary language.

13 SEC. 2. Section 59001.4 is added to the Education Code, to
14 read:

15 59001.4. It is the intent of the Legislature that programs at the
16 California School for the Deaf provide all of the following:

17 (a) Each pupil should be assured an education appropriate to his
18 or her needs in publicly supported programs through completion
19 of his or her prescribed course of study or until the time that he or
20 she has met proficiency standards.

21 (b) Each pupil should have his or her educational goals,
22 objectives, special education, and related services specified in a
23 written individualized education program.

24 (c) Procedures and materials for assessment and placement of
25 individuals with exceptional needs should be selected and
26 administered so as not to be racially, culturally, or sexually
27 discriminatory. No single assessment instrument should be the
28 sole criterion for determining placement of a pupil. The
29 procedures and materials for assessment and placement should be
30 in the individual's mode of communication. All assessment
31 materials and procedures should be selected and administered
32 pursuant to Section 56320.

33 (d) Psychological and health services for individuals with
34 exceptional needs should be available to each schoolsite.

35 (e) Continuous evaluation of the effectiveness of these
36 education programs should be made to ensure the highest quality
37 educational offerings.

38 (f) Appropriate qualified staff should be employed, consistent
39 with credentialing requirements, to fulfill the educational

responsibilities, and positive efforts are made to employ qualified deaf and hard-of-hearing individuals.

(g) Educational and residential program personnel should be adequately prepared to provide educational instruction and services to individuals with exceptional needs in the appropriate communication mode, including American Sign Language.

(h) There should be appropriate access to information and training in American Sign Language for parents and pupils to ensure that they are able to appropriately communicate with their families.

~~SEC. 3. Section 59009 is added to the Education Code, to read:~~

~~59009.—~~

SEC. 3. Article 4 (commencing with Section 59050) is added to Chapter 1 of Part 32 of the Education Code, to read:

Article 4. Employment Qualifications

59050. Notwithstanding Sections 59051, 59052, 59053, and 59054, the California School for the Deaf may not use the American Sign Language Proficiency Index (ASLPI) or an alternative test selected by the American Sign Language Competency Evaluation Committee of the California School for the Deaf for the purposes specified in this article unless it is first determined that the test is a valid and reliable test for employment purposes.

59051. During the 2004–05, 2005–06, and 2006–07 school years, for purposes of hiring a certificated individual to instruct deaf pupils, preference shall first be given to a candidate who achieves a minimum score of 4 on the American Sign Language Proficiency Interview (ASLPI) or an equivalent score on an alternate test selected by the American Sign Language Competency Evaluation Committee of the California School for the Deaf that assesses American Sign Language linguistic competency.

~~SEC. 4. Section 59010 is added to the Education Code, to read:~~

~~59010.—~~

59052. (a) Commencing with the 2004–05 school year, an individual may not be hired as a certificated employee to instruct

1 deaf pupils, unless the individual achieves a minimum score of 2.5
2 on the American Sign Language Proficiency Interview (ASLPI)
3 or an equivalent score on an alternate test selected by the American
4 Sign Language Competency Evaluation Committee of the
5 California School for the Deaf that assesses American Sign
6 Language linguistic competency.

7 (b) Commencing with the 2005–06 school year, an individual
8 may not be hired as a certificated employee to instruct deaf pupils,
9 unless the individual achieves a minimum score of 3 on the ASLPI
10 or an equivalent score on an alternate test, as described in
11 subdivision (a).

12 (c) Commencing with the 2006–07 school year, an individual
13 may not be hired as a certificated employee to instruct deaf pupils,
14 unless the individual achieves a minimum score of 3.5 on the
15 ASLPI or an equivalent score on an alternate test, as described in
16 subdivision (a).

17 (d) Commencing with the 2007–08 school year, an individual
18 may not be hired as a certificated employee to instruct deaf pupils,
19 unless the individual achieves a minimum score of 4 on the ASLPI
20 or an equivalent score on an alternate test, as described in
21 subdivision (a).

22 (e) The minimum score requirements specified in subdivisions
23 (a) to (d), inclusive, may be waived by the superintendent of the
24 school if he or she certifies that no candidate who meets those
25 requirements has applied to instruct deaf pupils and open positions
26 remain.

27 ~~SEC. 5. Section 59011 is added to the Education Code, to~~
28 ~~read:~~

29 ~~59011.—~~

30 59053. (a) Commencing with the 2004–05 school year, and
31 every three years thereafter, a certificated employee who instructs
32 deaf pupils and who has not achieved a minimum score of 4 on the
33 American Sign Language Proficiency Interview (ASLPI) or an
34 equivalent score on an alternate test selected by the American Sign
35 Language Competency Evaluation Committee of the California
36 School for the Deaf that assesses American Sign Language
37 linguistic competency, shall retake one of those assessments.

38 (b) A certificated employee who instructs deaf pupils and who
39 does not achieve a minimum score of 4 on the ASLPI or an
40 equivalent score on an alternate test, as described in subdivision

(a), may not be subject to discipline. The certificated employee shall be encouraged to study until that score is achieved.

(c) Any fee imposed to take the ASLPI or an alternate test, as described in subdivision (a), shall be paid by the certificated employee. If the certificated employee receives a minimum score of 4 on the ASLPI or an equivalent score on the alternate test, the California School for the Deaf shall reimburse the certificated employee for that fee.

~~SEC. 6. Section 59012 is added to the Education Code, to read:~~

~~59012.~~

59054. (a) For purposes of hiring an individual to serve as a substitute teacher, preference shall be given as follows:

(1) First, to a candidate who achieves a minimum score of 4 on the American Sign Language Proficiency Interview (ASLPI) or an equivalent score on an alternate test selected by the American Sign Language Competency Evaluation Committee of the California School for the Deaf that assesses American Sign Language linguistic competency.

(2) Second, to a candidate who achieves a minimum score of 3 on the ASLPI or an equivalent score on an alternate test, as described in paragraph (1).

(3) Third, to a candidate who achieves a minimum score of 2.5 on the ASLPI or an equivalent score on an alternate test, as described in paragraph (1).

(b) Except as provided in subdivision (c), a candidate who fails to achieve a score of at least 2.5 on the ASLPI or who fails to achieve an equivalent score on an alternate test, as described in paragraph (1), may not be hired as a substitute teacher.

(c) The superintendent of the school may waive the requirements of subdivision (b) if no candidate for the substitute teacher position has achieved the minimum score required by subdivision (b) and there is an immediate need to fill an open position.